

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GABRIEL MORALES,

Plaintiff,

v.

THE UNIQUE BEGINNING CATERERS
LIMITED LIABILITY COMPANY, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 1:20-cv-10026

**STIPULATED ORDER APPROVING SETTLEMENT
AND DISMISSING ACTION WITH PREJUDICE**

It is hereby STIPULATED by Plaintiff, Gabriel Morales, and Defendants, The Unique Beginning Caterers Limited Liability Company, d/b/a Shamong Diner & Restaurant and Emmanuel Monteiro (collectively, the “Parties”), by and through their respective undersigned counsel, and ORDERED by the Court as follows:

1. In this action, Plaintiff asserts claims against Defendants under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.* (the “FLSA”) and the New Jersey Wage and Hour Law, *N.J.S.A.* 34:11-56a *et seq.* (the “NJWHL”), seeking unpaid overtime pay, liquidated damages, attorneys’ fees, costs, and pre- and post-judgment interest (“Plaintiff’s Claims”).

2. Defendants deny the allegations made against them in the Lawsuit and deny any liability to Plaintiff under the FLSA or the NJWHL.

3. The Parties agree and the Court finds that bona fide disputes exist between the Parties regarding whether and to what extent Plaintiff is entitled to relief under the FLSA or the NJWHL, including a dispute regarding whether Plaintiff is exempt from coverage under the FLSA and NJWL and a dispute concerning the number of hours worked by Plaintiff.

4. Following mediation with Court-approved mediator, Eric Max, the Parties have reached a settlement of Plaintiff's Claims, which is memorialized in the Settlement Agreement and Release attached hereto as Exhibit 1.

5. The Parties agree and the Court finds that the settlement, as set forth in the Settlement Agreement and Release, is fair and reasonable.

6. The Parties' settlement, as set forth in the Settlement Agreement and Release, is hereby APPROVED.

7. By agreement of the Parties and pursuant to Rule 41 of the Federal Rules of Civil Procedure, this action is hereby DISMISSED WITH PREJUDICE.

/s/Roman Avshalumov
Roman M. Avshalumov
HELEN DALTON & ASSOCIATES, P.C.
80-02 Kew Gardens Road, Suite 601
Kew Gardens, NY 11415
Telephone: (718) 263-9591
Facsimile: (718) 263-9598
Email: avshalumovr@yahoo.com
Counsel for Plaintiff

/s/Joseph T. Kelleher
Joseph T. Kelleher
Stradley Ronon Stevens & Young, LLP
2005 Market Street, Suite 2600
Philadelphia, PA 19103
Telephone: (215) 564-8034
Facsimile: (215) 564-8120
Email: jkelleher@stradley.com
Counsel for Defendants

BY THE COURT:

_____, J.

Date: _____